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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,066	03/20/2001	Ruediger Bartz	951/49329	9690
23911	7590	04/20/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/700,066	BARTZ ET AL.	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communication filed on March 07, 2005.

Response to Amendment

The examiner acknowledges that the claims were not amended in the communication filed on March 07, 2005.

Response to Arguments

Applicant's arguments with respect to claims 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S. Patent 4673921 in view of Veghtee et al. US Patent 5825329 and further in view of Iwasaki US Patent 5898405.

Regarding claim 5, Saito et al. teaches a mobile transponder (figure 1A) for a vehicle with an optical indicator (col. 3 lines 35-36), the mobile transponder comprises:

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evaluation logic (21) for providing output information concerning direction and location of the vehicle (col. 3 lines 30-35) and a display for displaying information concerning the location of the vehicle (col. 4 lines 44-55). Saito et al. teaches rotating the antenna to provide coverage in all direction (col. 4 lines 44-56). The information regarding the direction and location of the vehicle is therefore provided regardless of the orientation of the transponder because the antenna is rotated to enable transmission of such information. Saito et al. teaches an antenna (17) for recognizing the signal from the vehicle (col. 3 line 35) but is however silent on teaching a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle. Veghtee et al. in an art related microstrip patch antenna invention teaches a transponder having plurality of microstrip patch antennas (11, 12, 18, 17) as described in column 2 lines 33-45. Microstrip patch antennas are conventionally used as omnidirectional (three-dimensional) antenna as evidenced by Iwasaki (col. 4 lines 21-36).

It would have been obvious to one of ordinary skill in the art to have a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle in Saito et al. as evidenced by Veghtee et al. in view of Iwasaki because Saito et al. suggests an antenna recognizing the signal from the vehicle and rotating the antenna to provide coverage in all direction and Veghtee et al. in view of Iwasaki teaches a transponder using multiple three-dimensional to provide coverage in all direction.

Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S. Patent 4673921 in view of Veghtee et al. US Patent 5825329 in view of Iwasaki US Patent 5898405 and further in view of Culpepper et al. U.S. 5657026.

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Regarding claims 6-7, Saito et al. in view of Veghtee et al. in view of Iwasaki teaches providing location information (U.S Patent 4673921, col. 3 lines 33-36) but is silent on teaching providing an indication of the distance of the vehicle from the mobile transponder. Culpepper et al. in an art related Beacon Signal Receiving System teaches providing an indication of the distance of the vehicle from the mobile transponder (col. 3 lines 24-30) in order to provide additional location information to the user.

It would have been obvious tone of ordinary skill in the art to provide an indication of the distance of the vehicle from the mobile transponder in Saito et al. in view of Veghtee et al. in view of Iwasaki as evidenced by Culpepper et al. because Saito et al. in view of Veghtee et al. in view of Iwasaki suggests providing location information and Culpepper et al. teaches providing an indication of the distance of the vehicle from the mobile transponder in order to provide additional location information to the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of art with respect transponder with three-dimensional antenna:

U.S Patent 6246356 to Gunnarson.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
April 12, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

